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Report on the ratification and accession to international and regional environmental agreements with particular emphasis on conservation of tropical forests and their implementation by member States

I. INTRODUCTION

1. Since the Stockholm conference on the environment (1972), there has been an increased global awareness of the need for more organized strategies for ensuring sustainable development through international participation in sound environmental development management. Increasingly it has become part of different levels of international dialogue. This has been evident in the numerous international conventions relating to environmental legislation.

2. In 1980, the Economic Commission for Africa (ECA) organized a seminar for lawyers on the elaboration of environmental legislation in the region. The seminar dealt with various aspects of environmental legislation at the national level and made recommendations on how this could be strengthened. The seminar did not however deal with the issues of regional or international agreements and conventions on the environment.

3. The recent dumping of hazardous wastes in Africa has made it more urgent for member States to accede to and participate in the implementation of international conventions on the environment. It also brought to light the necessity to develop, where none exists regional agreements on the implementation of these international conventions on the environment. In this manner African countries will be in a better position, not only to take action against nationals who, in one way or another, participate in activities that are dangerous to the health of the nation, but can also turn to international recourse against those outside their territorial boundaries.

4. It is not only in the area of hazardous industrial wastes but also the international contribution to the depletion of Africa's natural heritage as represented by its wildlife, including the most valued tropical forests. International conventions and agreements exist, regarding the acquisition and export of these natural resources but most African countries have not placed these treaties and agreements as a priority for ensuring their application both regionally and internationally and, consequently, have not acceded to them.

5. This paper is based on the deliberations of an ad-hoc expert group meeting, held in Addis Ababa from 16-20 January 1989, on the situation of the development of environmental legislation in Africa with emphasis on regional and international agreements and conventions (see Annex I). It briefly reviews the situation and suggests some of the possible reasons for the lag in acceding to regional and international conventions on the environment by African countries.

II. BACKGROUND

6. Natural conditions in Africa are a paradox in themselves. In other words, Africa is endowed with some of the most luxuriant vegetation cover in the tropical world, producing some of the best timber and tropical crops. She receives the second highest annual rainfall in the world, next only to the Indian slopes of

the Himalayan mountains. Yet by the same token Africa is rapidly being depleted of these natural resources. As a general global strategy, conventions have been drawn up for the preservation of wildlife (flora and fauna). Some countries in the developed world have adopted measures that will help conserve these resources, by banning the import into their territory, of some of the species that are endangered. This is an encouragement for African countries to accede to related conventions: indeed, negotiate for non-importation by "client" countries, of species that are identified as endangered in Africa.

7. The Register of International Treaties and Other Agreements in the Field of the Environment, published by UNEP, gives a list of 110 treaties and conventions relating to the environment. Forty-eight of them deal with treaties that are open to all members of the United Nations or independent states and seventy are of a regional nature. 1/

8. Of the seventy treaties and conventions that are of a regional nature, eighteen concern either the whole of Africa or part of it. If the forty-eight that are of a general nature, that is open to all countries, are added to the forty-eight, the result is, sixty-six treaties and conventions that the member States of ECA are expected to sign and implement. The rate of accession to the sixty-six are as follows:

	No. of countries signed	%	No. of treaties/conventions
1.	No ECA member State	0	12
2.	1 - 5	1 - 10	22
3.	6 - 10	11 - 20	13
4.	11 - 20	21 - 40	7
5.	21 - 30	41 - 60	3
6.	31 - 50	above 60	2
7.	All concerned (restricted conventions)		7
			66

9. The treaties/conventions which have not been signed by any of the ECA member States include:

i) The international convention for the protection of Birds (Paris, 1950)

1/ UNEP/GC/INFORMATION/11/REV.1 (UNEP, Nairobi. May 1985).

ii) The Agreement Concerning Co-operation in the Quarantine of Plants and their Protection Against Pests and Diseases (Sofia, 1960)

iii) The Convention on Third Party Liability in the Field of Nuclear Energy (as amended) (Paris, 1960)

iv) The Convention Supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy (as amended) (Brussels, 1963)

v) The Optional Protocol Concerning the Compulsory Settlement of Disputes (Vienna, 1963)

vi) The Agreement Concerning Co-operation in Marine Fishing (Warsaw, 1962)

vii) The Convention for the International Council for the Exploration of the Sea (as amended) (Copenhagen, 1964)

viii) The Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircrafts, (as amended) (Oslo, 1972)

ix) The Convention for the Prevention of Marine Pollution from Land-based Sources (Paris, 1974)

x) The Agreement on an International Energy Programme (Paris, 1974)

xi) The Agreement Concerning the Protection of the Waters of the Mediterranean Shores (Monaco, 1976)

xiii) The Convention on Civil Liabilities for Oil Pollution Damage Resulting from Exploration for and Exploitation of Sea-bed Mineral Resources (London, 1977).

10. The other category of conventions which have been signed by all concerned are all subregional ones which involve the management of shared ecosystems and natural resources. They include:

i) The Agreement for the Establishment of a General Fisheries Council for the Mediterranean (as amended) (Rome, 1949). This Agreement has been signed by the five North African countries concerned (Algeria, Egypt, Libya, Morocco and Tunisia).

ii) The Convention Concerning the Status of the Senegal River, and Convention Establishing the Senegal River Development Organization (as amended) (Nouakchott, 1972). Mali, Mauritania and Senegal have all signed it.

iii) The Convention Establishing a Permanent Inter-State Drought Control Committee for the Sahel (Ouagadougou, 1973). Burkina Faso, Chad, Mali, Mauritania, Niger and Senegal have all signed.

iv) The Convention for the Protection of the Mediterranean Sea from Pollution (Barcelona, 1976). The concerned countries, namely, Algeria, Egypt, Libya, Morocco and Tunisia have all signed.

v) The Protocol for the Protection of the Mediterranean Sea by Dumping from Ships and Aircrafts (Barcelona, 1976). The concerned African countries, namely, Algeria, Egypt, Libya, Morocco and Tunisia have signed.

vi) The Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 1976). Algeria, Egypt, Libya, Morocco and Tunisia, who are concerned have signed.

vii) The Convention Creating the Niger Basin Authority and Protocol Relating to the Development Fund of the Niger Basin (Faranah, 1980). Benin, Burkina Faso, Cameroon, Cote d'Ivoire, Guinea, Mali, Niger and Nigeria being the countries concerned have all signed.

11. Of this category of conventions which have been signed by all those concerned, the following are entirely between member States and pertain to specific shared resources:

a. The Convention concerning the Status of the Senegal River, and Convention Establishing the Senegal River Development Organization (as amended) (Nouakchott, 1972). Mali, Mauritania and Senegal have all signed it.

b. The Convention Establishing a Permanent Inter State Drought Control Committee for the Sahel (Ouagadougou, 1973). Burkina Faso, Chad, Mali, Mauritania, Niger and Senegal have all signed.

c. The Convention Creating the Niger Basin (Faranah, 1980). Benin, Burkina Faso, Cameroon, Cote d'Ivoire, Guinea, Mali, Niger and Nigeria being the countries concerned have all signed.

12. Of the treaties and other agreements that have the lowest rates of accession, that is 10% or less, it is important to note that the International Tropical Timber Agreement (Geneva, 1983) has been signed only by Gabon and Liberia. Worse still, the phyto-Sanitary Convention for Africa (Kinshasa, 1967), of which the OAU is depository, only nine countries have so far signed.

This Convention aims at controlling and eliminating plant diseases in Africa and preventing the introduction of new diseases.

13. After having reviewed the situation of the non or low participation of African countries in signing regional and international agreements and conventions on the environment, the expert group meeting came to the conclusion that inadequate awareness of environmental issues was at the root of the problem. Due to this awareness problem environmental problems were not considered as one of the priorities in social and economic development planning and related legislative and administrative mechanisms for programme implementation.

14. There was the need for intensive sensitization and programmes developed at the level of training and research institutions to cater for the development and strengthening of national institutional and manpower capabilities in the area of environmental legislation.

15. Having reviewed the situation as outlined above, the meeting identified four areas of action, namely, activities to:

a) Create awareness to influence policy in favour of environmental legislation which would in turn influence member States to accede to regional and international agreements and conventions on the environment;

b) Enhance the development and strengthening of institutional and manpower capabilities in order to facilitate the implementation of environmental policies and legislation;

c) Create public awareness that would influence the development and implementation of environmental legislation at national, subregional, regional and international levels;

d) Encourage the incorporation of environmental considerations into treaties for subregional and regional groupings of member States.

16. It was, therefore, recommended that:

a) a comprehensive study be carried out, by ECA, on the state of environmental legislation in a selected number of member States, with specific emphasis on the problems of acceding to regional and international agreements and conventions, with the view of developing guidelines on the incorporation of environmental clauses into treaties for regional co-operation and accession to international agreements and conventions on the environment;

b) annual seminars on environmental legislation and review of the status of the implementation on regional and international agreements and conventions on the environment in Africa

c) seeing that environmental problems vary with time and the level of the sophistication in technological advances, an expert group meeting be held in 1991/1992 to review the status of environmental legislation in Africa with specific emphasis on the problems of accession to and application of regional and international agreements and conventions on the environment with the view to making recommendations to member States.

IVI. CONCLUSIONS

17. The Joint Committee is being called upon to consider the recommendations drawn by the Ad-hoc expert group meeting.

ANNEX I

Report of the Ad-Hoc expert group meeting on the development of environmental legislation in Africa with specific reference to regional and international agreements and conventions Addis Ababa, Ethiopia, 16 - 20 January 1989

I. INTRODUCTION

1. The Ad-hoc expert group meeting on the development of environmental legislation in Africa with specific reference to regional and international agreements and conventions was held in Addis Ababa from 16 to 20 January 1989. The purpose of the meeting was to discuss the situation of the development of environmental legislation in Africa, with specific emphasis on regional and international agreements and conventions. The meeting was also to develop strategies and a programme framework for assisting member States in acceding to regional and international agreements and conventions on the environment.

II. ATTENDANCE OF THE MEETING

2. The meeting was attended by experts from Egypt, Kenya, Nigeria and Tanzania (See Annex I).

III. OPENING OF THE MEETING

3. Dr. Peter Kyanza read the statement from the Executive Secretary of ECA to the meeting. In it he welcomed the participants to the Headquarters of the Economic Commission for Africa (ECA) to participate in the Ad-hoc expert group meeting on the development of environmental legislation in Africa. He pointed out that this was the second meeting of this kind, the first one having been held in 1980. The first meeting, he said, dealt with various aspects of environmental legislation at the national level. It did not deal with the issues of regional or international agreements and conventions on the environment which was the subject of this second meeting.

4. The organization, by ECA, of this second ad-hoc expert group meeting to deal specifically with regional and international agreements and conventions on the environment, he emphasized, underscored the importance that ECA attaches to environmental legislation, not only at the national level but at the regional and international levels. This was because most environmental problems were transboundary in nature, requiring concerted action by all the countries of the world.

5. Recent events of an environmental nature such as the dumping of hazardous wastes in Africa and the increased rate of the depletion of the continent's natural heritage for personal wealth through poaching for export, he pointed out, had re-emphasized the urgency for the development and implementation of agreements and conventions that were aimed for the African environment and its natural resources.

6. These events he continued had also highlighted the urgency for including environmental consideration as an integral component of the conditions for relations both between member States and with the rest of the international community. It was evident therefore that African countries had not as yet attached the desired priority to the development, ratification and implementation of regional or international agreements and conventions on the environment.

7. Statistics revealed he reiterated that the state of the ratification, by member States of treaties and conventions on the environment was indicative of a serious situation of non or very low ratification.

8. The Executive Secretary underscored the fact that one of the conventions that had not been acceded to by any member State of ECA was that for the prevention of marine pollution by dumping from ships and aircrafts (1972), when the dumping of hazardous wastes in some West African countries had lead the Organization of African Unity (OAU) and the Economic Community of West African States (ECOWAS) to adopt resolutions banning these and related activities. Yet there was still the need for individual countries to ratify related conventions to facilitate international recourse in case of environmental damage.

9. Encouragingly, there are a number of these agreements and conventions which have been signed by all African countries directly concerned are all subregional ones involving the management of contiguous ecosystems and natural resources.

10. Where there had been response in ratifying these treaties he said, it had usually been very low. This was why ECA thought it important to call the meeting so as to have expert review the situation and come out with suggestions as to how the problem could be tackled.

11. He concluded that as experts, participants were supposed to propose strategies and a programme of action which will help ECA in assisting member States to attach the needed priority to regional and international agreements and conventions and accede to them. This was important he said since Africa had no choice but to operate in the international economic situation in which these environmental treaties and agreements had been conceptualized. To ensure sustainable development she must, therefore, organize herself accordingly.

Agenda item 2: Election of the bureau

12. The meeting decided that since this was a small group meeting, there was no need for a full bureau and that only a chairman was needed and the secretariat would assume the role of rapporteur. Dr. John A. Tesha of Tanzania was elected as Chairman.

13. The following agenda was adopted:

i) Opening of the meeting

ii) Election of the bureau

iii) Adoption of agenda and programme of work

iv) Consideration of the background paper prepared by the secretariat document E/ECA/ENV/ADHOC/89

v) Development of strategies and a programme of action to assist member States in acceding to regional and international agreements and conventions on the environment

vi) Other matters

vii) Adoption of report

viii) Closure of meeting.

Agenda item 4: Consideration of the background paper prepared by the secretariat document E/ECA/ENV/ADHOC/89

14. A representative of the secretariat presented to working document entitled the situation of the development of environmental legislation in Africa: regional and international agreements and conventions. In his presentation he said that the purpose of the paper was to orient discussions of the general issues of the low rate of accession by member States of ECA to regional and international agreements and conventions on the environment. He pointed out that the issues have been summarized in the annotated agenda but the secretariat wished to be guided by the experts on what strategies to initiate in order to sensitize member States to the problems of non-accession to the treaties and conventions on the environment.

15. The order of discussions suggested in the annotated agenda, he said would, therefore, help the meeting in developing strategies and a programme of action to assist member States in acceding to regional and international treaties and agreements and conventions on the environment, as soon as possible, particularly those that had direct bearing on member States.

16. The Chairman then conducted the discussion on this agenda as follows:

i) Environmental legislation as a policy issue in sub-regional and regional programmes

17. After discussion on environmental legislation as a policy issue in sub-regional and regional programmes, the meeting concluded that the difficulty that environmental legislation faced in Africa so far had been the lack of environmental consciousness at the policy level. There had been hardly any consistent policies

to guide decision-making at all levels, be they national, subregional, regional or international.

19. As a result of this lack of environmental consciousness at the policy level environment was not considered by them as a priority concern deserving integration into national social and economic development planning. Even where there was an environmental machinery, that machinery, even if it were at the ministerial level was usually not given the legal and administrative framework to function effectively.

19. It was recogniz . that, for there to be effective sensitization at the subregional and regional levels concerning the importance of environmental legislation and its application at the regional and international levels, there must be strong national legislative systems that fully incorporate environmental dimensions into conditions for bilateral and multi-lateral relations. This would be based on the consideration of mutual self-interests.

20. It was also agreed that due to the conditions of poverty and the high need for foreign exchange, some countries unscrupulously accepted the siting of industries and the trade in hazardous and potentially toxic materials without any consideration of their environmental impacts. Even where there were token environmental considerations there was the problem of weak or non-enforcement of relevant legislation.

21. The same thing could also be said of technical and development aid, which were joint ventures of one sort or another. They should also be negotiated catering for the environmental interests of both parties. Monitoring mechanisms should then be built into the implementation of such programmes to ensure that the conditions are respected.

22. The meeting then recommended that, to ensure that environmental considerations become part of policy in all forms of agreements and treaties between countries, there was the need to:

a) develop a mechanism for sensitizing the policy and decision makers to environmental management and related environmental legislation;

b) promote legislation at national level that will reflect both national and international concerns in environmental management and legislation

c) develop national training programmes in the area of environmental legislation and administration that would sustain environmental awareness including its international implications;

d) promote public awareness not only on environmental concerns per se but on the juridical implications and the use of the law in sustainable environmental management and development.

ii) Environmental legislation as a social issue in regional and and international relations

23. After discussion, the meeting agreed that the development of environmental legislation could be greatly influenced by public reaction to the mismanagement of the environment by developers. This public reaction could be manifested by environmental pressure groups which, in themselves, would be significant indicators of public awareness of the environment problematique. This would, therefore, lead to a more deliberate enforcement of environmental legislation at the national level and a more effective drive to the accession to regional or international conventions on the environment.

24. Environmental pressure groups could even be of international proportions such as the Green Peace and similar groups, or take on political dimensions, being part of national political discussion the Green Party in Germany was an example.

25. Beginning at the national sub-regional and regional levels, every fora of discussion of issues that would have environmental implications should then be used to sensitize the international community on their role in observing those conventions on the environment that, directly or indirectly, affect the African environment.

26. Seeing the urgent need to promote public awareness and interest in environmental management, sensitizations programmes should be launched or enhanced. This would serve as a sound basis for the development and implementation of environmental legislation at national, subregional, regional and international levels.

27. The meeting, therefore, recommended that strategies be developed to increase public awareness of environmental issues in all the sectors of development and all aspects of international relations.

iii) Institutional framework for environmental legislation specific reference to sub regional and regional groupings

28. To be able to cope with the momentum in the current increase of environmental problems, Africa must develop the appropriate environmental institutions that will freely initiate related national legislation as well as the required co-operation in international environmental management which, in itself was an exercise to the joint venture of international relations.

29. It was agreed by the meeting that environmental management machineries in member States were not structured to fully cater for all aspects of environmental management and administration. Where they existed, either as Ministries of the Environment or other department of government, they did not have the necessary authority to implement their mandates as environmental "watch dogs" and co-ordinators on environmental matters.

30. National environmental machineries were often located at the same level as the ministries and/or departments, and were subjected to inter ministerial/departmental overlaps in activities. This usually made the effective administration of environmental management difficult. It was recognized that effective implementation of environmental legislation depended on authority of the environmental institution in the given country. This was even more important when it came to the initiatives to accede to regional and international agreements and conventions on the environment.

The meeting agreed that for an environmental management institution to have the effective support of the legislative and administrative institutions it must itself, have direct access to the highest governmental authority. They must also be structured to cater for specialization in all the sectors of the development and utilization of resources for sustainable social and economic development. Any international co-operation, particularly for environmental legislation, must, therefore, take into account the strength of the institutions to handle the tasks involved.

iv) International conventions and agreements related to the conservation of natural resources

32. Participants expressed the concern that the majority of members States have not acceded to all the regional and international conventions and agreements dealing with the conservation of natural resources despite the fact that they constitute the backbone of their existence.

33. The meeting also agreed that African economies were largely dependent on the exploitation of renewable and non-renewable natural resources, particularly for agriculture. The conservation of the renewable natural resources and the judicious exploitation of the non-renewable ones, should have been a priority concern. Consequently, they should have attached prime importance to national legislation and international agreements and conventions that seek to conserve the natural environment. Signing of related conventions and their enforcement would, therefore, safeguard against the persistent depletion of these resources either by national or international merchant bodies. Legal mechanisms must, therefore, be strengthened to be able to handle this aspect of environmental concerns.

34. Strong concern was expressed by the participants that no member State had acceded to the following international conventions and agreements although they dealt with the preservation, development and use of the natural resources on which Africa depended so much.

i) The international convention for the protection of Birds (Paris, 1950)

ii) The Agreement Concerning Co-operation in the Quarantine of Plants and their Protection Against Pests and Diseases (Sofia, 1960)

iii) The Convention on Third Party Liability in the Field of Nuclear Energy (as amended) (Paris, 1960)

iv) The Convention Supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy (as amended) (Brussels, 1963)

v) The Agreement Concerning Co-operation in Marine Fishing (Warsaw, 1962)

vi) The Convention for the International Council for the Exploration of the Sea (as amended) (Copenhagen, 1964)

vii) The Agreement on an International Energy Programme (Paris, 1974)

viii) The Agreement Concerning the Protection of the Waters of the Mediterranean Shores (Monaco, 1976)

ix) The Convention on Civil Liabilities for Oil Pollution Damage Resulting from Exploration for and exploitation of Sea-bed Mineral Resources (London, 1977).

35. It was also agreed, with disappointment, that very few countries had signed the following conventions and agreements dealing with natural resources conservation

a) The Convention relative to the Preservation of Fauna and Flora in their Natural State (London, 1933). Only Egypt, Sudan and Tanzania have signed.

b) The Convention for the Establishment of the European and Mediterranean Plant Protection Organization, as amended (Paris, 1951). Only Algeria and Morocco have signed.

c) The Phyto-Sanitary Convention for Africa (Kinshasa, 1967). Benin, Central African Republic, Egypt, Ethiopia, Lesotho, Morocco, Niger, Rwanda and Togo have signed.

d) The Convention on the Conservation of the Living Resources of the South east Atlantic (Rome, 1969). Only Angola is party to it.

e) The Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979). Only Cameroon, Egypt and Niger have signed.

f) The International Tropical Timber Agreement (Geneva, 1983). Only Gabon and Liberia have signed.

36. The meeting recommended that a sensitization campaign be carried out by the ECA in collaboration with UNEP, other relevant specialized agencies of the United Nations system such as UNESCO, FAO, ILO, UNIDO and the IAEA as well as the Organization of African Unity to ensure the ratification by African countries of these treaties and agreements. African countries should also strengthen legislative and administrative measures to stop the illegal trade in these resources.

v) International Conventions and agreements related to Pollution control

37. The meeting agreed that many of the conventions that had not been signed by many member States were those dealing with pollution control, particularly the dumping of hazardous wastes from ships and aircrafts. This was an area of transboundary activities which should come into consideration in all terms of reference in international relations. Participants expressed concern at the non or low participation by member States in these conventions and agreements, specifically, the following:

i) The Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircrafts, (as amended) (Oslo, 1972). No member State has signed.

ii) The Convention for the Prevention of Marine Pollution from Land-based Sources (Paris, 1974). No member State has signed.

iii) Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, Concerning Tank Agreements and Limitation of Tank Size (London, 1971). Only Algeria, Cote d'Ivoire, Liberia and Tunisia have signed.

iv) The Convention Concerning the Protection of Workers Against Ionizing Radiation, (Geneva, 1960). Only Djibouti, Egypt, Ghana and Guinea have signed.

v) The vienna Convention on Civil Liabilities for Nuclear Damage (Vienna, 1963). Cameroon, Egypt and Niger have acceded to it.

vi) The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, (Brussels, 1969). Cameroon, Gabon, Ghana, Liberia, Morocco, Senegal and Tunisia have acceded to this convention.

vii) The Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil (London, 1973). Only Liberia and Tunisia have signed this convention.

viii) The International convention for the Prevention of Pollution from Ships, (London, 1973). Only Kenya and Tunisia have acceded to it.

38. The meeting also recommended that a sensitization campaign should be carried out by the ECA in collaboration with UNEP, other relevant specialized agencies of the United Nations system such as UNESCO, FAO, ILO, UNIDO, and the IAEA as well as the Organization of African Unity to ensure the ratification by African countries of these treaties and agreements. African countries should also strengthen legislative and administrative measures to stop the illegal trade in these resources.

Agenda item 5. Development of strategies and a programme of action to assist member States in acceding to regional and international agreements and conventions on the environment

39. The meeting, having reviewed the situation as stated in the preceding paragraphs, came to the conclusion that, environmental management as a concept was not as yet integrated into social and economic planning in Africa because of the lack of awareness of the issues involved. Environmental concerns were usually of the lowest priority in development planning. The explanation lay in the fact that the negative impacts of development activities on the environment was usually not immediately apparent. They often emerged after a long time when they must have attained irreversible proportions. For this reason environmental considerations were not usually part and parcel of initial programme planning or the development of legal instruments.

40. Lessons should have been learnt from the industrially more advanced economies which had experienced the negative environmental impacts of industrialization on the physical environment and had, therefore made laws to protect themselves and their environment from the negative impacts, and from the

possibility of effects of any environmental degradation whose source was elsewhere outside their territory.

41. With the exposure to the development and life styles of the industrially more advanced economies, African countries had also taken on the industrialization patterns of those countries. Unfortunately, African policy makers and planners had not yet imbibed the consciousness of the environmental considerations that these development patterns implied. They seldom, therefore, sought the advice, either from the environmentalists or their legal colleagues, on the procedures for handling programmes that have environmental implications. Consequently, most of the pollution and health hazards to which African populations and their highly fragile ecosystems were exposed were usually not catered for during the stages of programme development, implementation, programme management, monitoring and evaluation.

42. The meeting identified four areas of action namely, activities to:

a) Create awareness to influence policy in favour of environmental legislation which would in turn influence member States to accede to regional and international agreements and conventions on the environment;

b) Enhance the development and strengthening of institutional and manpower capabilities in order to facilitate the implementation of environmental policies and legislation;

c) Create public awareness that would influence the development and implementation of environmental legislation at national, sub-regional, regional and international levels;

d) Encourage the incorporation of environmental consideration into treaties for sub-regional and regional groupings of member States.

a) Policy issues

43. In order to influence policy in favour of environmental legislation which would in turn influence the accession to regional and international agreements and conventions on the environment, the meeting reiterated the need for the sensitization of policy makers, law makers and law enforcement agents in member States. Additionally, training at the level of institutions, seminars and workshops, even study tours, should be organized for policy-makers, decision-makers and legal experts so that they can be exposed to the impacts of the non-application of relevant environmental legislation.

44. The meeting proposed the incorporation of clauses dealing environmental considerations into treaties for the development and utilization of shared resources such as lake and river basins to cater for any transboundary or "down stream" environmental problems.

45. To adequately cover legislation in all areas, a sectoral approach was recommended, calling for an environmental policy on all the sector of development of natural resources and industrialization and the conservation of wildlife. These include:

a) Agriculture - the use of agricultural chemical and soil degradation control;

b) Forestry - the exploitation and movement of forest products;

c) Water resources including marine resources, marine pollution control and coastal environmental management;

d) Wildlife conservation on land and in the sea;

e) Mineral resource exploitation and the rehabilitation of mining sites;

f) Pollution control:

i) industrial location with regard to its effluents;

ii) transboundary movement and use of potentially toxic materials;

iii) transboundary movement and dumping of hazardous wastes by any mode of transportation;

iv) air pollution control including emissions from motor vehicles, air and sea crafts and industry etc.

46. It was recognized that regional and international agreements and conventions on all the areas identified above already existed. However, there was the need to review them periodically to see which ones were adequate and which ones were not with the view to updating them.

b) Institutional and manpower development

47. The meeting was of the concensus that any international co-operation, particularly for environmental legislation, must be backed by strong national, sub-regional and regional mechanisms, capable of monitoring the adherance to regional and international agreements and conventions on the environment.

48. Given to the structure of most governments where there was often over-lapping of mandates, the possibility should be explored of developing and strengthening national environmental machineries which would effectively serve

as the 'watch dog' on environmental matters, including the observance of regional and international agreements and conventions on the environment. They must be a multi-sectoral and inter-disciplinary institutions with direct access to the highest authority of government. They would then stand out of the inter-ministerial/departmental rivalries that would otherwise confront it.

Manpower development

49. The meeting recognized the need for trained manpower in the fields of environmental management and environmental legislation to ensure that development activities are not carried out to the irreversible detriment of the environment.

50. The meeting recommended in-service training and refresher courses for policy-makers, decision-makers and legal experts on the development and implementation of regional and international agreements and conventions on the environment.

51. It was also recommended that environmental law should be introduced at the university level so as to develop a core of legal personnel that was fully aware of the legal implications of the environmental impacts of development and environmental considerations in all aspects of international relations.

Creation of public awareness

52. Participants agreed that the greatest resource for the implementation of environmental management programmes was the people. The population must be sensitized through education, of the objectives of the programmes they were requested to participate in. The pressure group concept that was earlier alluded to depended on how knowledgeable the population was, about the environmental risks to which they were being exposed and which would render their environment less safe for normal human existence.

53. The people should be made aware of transboundary environmental issues must be intensified, particularly to acquire the participation and commitment of the masses in the implementation of agreements and conventions on the environment.

Incorporating environmental considerations into existing treaties for sub-regional and regional co-operation

54. The meeting acknowledged the fact that sub-regional and regional co-operation had always, and rightly so, been based on mutual self-interests and self-reliance as expressed in the Lagos Plan of Action. Treaties for inter-African co-operation must, therefore, include a framework for environmental management. To be able to cope with the current environmental problems and the international momentum to tackle them, Africa must develop the necessary legislative and administrative framework to cope with it.

55. The meeting recommended that a review be carried out of the existing treaties, African sub-regional and regional groupings, with the view to incorporate environmental dimensions into them.

A programme of action for assisting member States to accede to regional and international agreements and conventions on the environment

56. After having reviewed the situation of the non- or low participation of African countries in signing regional and international agreements and conventions on the environment, the meeting came to the conclusion that inadequate awareness of environmental issues was at the root of the problem. Due to this awareness problem, environmental problems were not considered as one of the priorities in social and economic development planning and related legislative and administrative mechanisms for programme implementation.

57. There was the need for intensive sensitization and programmes developed at the level of training and research institutions to cater for the development and strengthening of national institutional and manpower capabilities in the area of environmental legislation.

58. It was, therefore, recommended that:

a) a comprehensive study be carried out, by ECA, on the state of environmental legislation in a selected number of member States, with specific emphasis on the problems of acceding to regional and international agreements and conventions, with the view of developing guidelines on the incorporation of environmental clauses into treaties for regional co-operation and accession to international agreements and conventions on the environment.

b) annual seminars on environment legislation and review of the status of the implementation on regional and international agreements and conventions on the environment in Africa.

c) seeing that environmental problems vary with time and the level of the sophistication in technological advances, an expert group meeting be held in 1991/1992 to review the status of environmental legislation in Africa with specific emphasis on the problems of accession to and application of regional and international agreements and conventions on the environment with the view to making recommendations to member States.

Agenda item 6. Other matters

59. No other matters related the subject of the meeting which might not have been included on the agenda were raised.

Agenda items 7 and 8. Adoption of report and closure of meeting

60. The meeting considered its report, made necessary amendments and adopted it.

61. In his closing remarks, the Chairman thanked the participants for their contributions to the discussion of the different items of the agenda. He hoped that the problem areas identified by the meeting in the field of accession, by member States, to regional and international agreements and conventions on the environment as well as the strategies and action programmes, would be used by the secretariat in assisting member States to handle the problem.

62. The representative of the secretariat, Dr. Peter N. Mwanza, in his closing remarks, expressed the gratitude of ECA to the experts for having accepted the invitation to participate in the ad-hoc expert group meeting. He was particularly happy with the level of discussion and the propositions that the meeting had made ECA to follow-up on. He concluded that ECA will not hesitate to call on the experts for help in this area of environmental legislation when the need arises.

63. The meeting closed at 1800 hours on 20 January 1989.

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